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March 8, 2002

BY HAND

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, 2nd Floor
Boston, Massachusetts 02110

Re: Fiber Technologies Networks, L.L.C. v. Town of Shrewsbury Electric
Light Plant, D.T.E. 01-70

Dear Secretary Cottrell:

Since the issue of filing replies in response to an opposition by Shrewsbury's Electric Light Plant ("SELP") to the Motion for Summary Judgment of Fiber Technologies Networks, L.L.C. ("Fibertech") filed March 1, 2002 is before the Hearing Officer, Fibertech hereby moves for the right to reply to such opposition. Fibertech requests that any replies be filed by Monday, April 1, 2002.

Under the Department's Procedural Rules, the Hearing Officer has discretion to permit replies. 220 C.M.R. 1.04(5)(d); 1.06(e). Fibertech approaches this request with the view that replies are useful only if they address new matter and do not reiterate an initial brief. The scope of such a reply is unknown until SELP files its opposition (for this reason, Fibertech anticipated raising the issue of leave to reply more concretely once SELP's opposition was filed), but it is likely that there will be at least some issues that Fibertech will need to address. The Department customarily allows replies for briefing on the merits, and this custom is appropriately followed where the pending motion is a dispositive motion that may entirely or partially resolve the case on the merits.

Respectfully submitted,

Cameron F. Kerry

CFK:jdn
cc: Service List